D. Dis File No. 240

1939.

Collection No.

A
CB
24/7/07

Mysore Residency

P8

Pros. Serial Nos. 1 – 2

(K)

Subject.

Appointment of Mr. Mohamed Hanef as Additional Public Prosecutor

Previous References.

229/36

Later References.

Dy.No.3384 S.N.1

Dy.No.3420 S.N.2

F. 207 Unreplaced Central Acts Vol IV

Under section 492(2) of the Cr.Pr.Code, the District Magistrate may, in the absence of the Public Prosecutor, appoint any Advocate to be the Public Prosecutor for the purpose of any case. Mr.Shankar Rao, the permament P.P. was away in Madras on the 30th and 31st and the District Magistrate was competent to appoint Mr.Hanief to be the Public Prosecutor for the cases which came up in the Resident's Court and the Sessions Court on those dates. As a matter of fact Office asked Mr.Hanief before the Court sitting commenced on the 30th March whether he had been authorised to appear on behalf of the Public Prosecutor. He said that the D.M. had authorised him and added that under section 492 (2) Cr.P.C. he was competent to do so. No doubt the Resident can appoint Mr.Hanief as Public Prosecutor. But since the cases - at least so far as the Resident's Court is concerned - have been disposed of and as the District Magistrate had asked him to appear, it seems better that the D.M.himself issues the necessary orders under section 492 (2).

under S. 491(1)

The fee of Rs.35/- recommended by the D.M. for Mr.Hanief's work in the Resident's Court may be sanctioned. Please see para 5 of notes in F.779/1936. Of the three cases in the Resident's Court one was a Reference for confirmation of a sentence of death for which alone a fee of Rs.35/- is ordinarily paid. Mr.Haneef appeared in our Court on the 30th on which date all the three cases were heard. The D.M. will presumably address this Residency again regarding fee to be paid to Mr.Hanief for appearing in the Sessions Court.

(P)

Draft to D.M. submitted.

31.3.39. Record Pby. 31.3.39.

Thulaw 1/4/39.

DM says Rs 25 for Senior Judge too

S.N.3. Issue.

J.C Urgent. S.N.1

1

No. 1209.c.39.

OFFICE OF THE DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 30th M a r c h 1939

FROM

C. F. V. Williams Esquire, I.C.S.,

DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,

BANGALORE.

OFFICE OF THE
RESIDENT
BANGALORE.
Diary No. 3384
File No.

To

The Secretary to the Hon'ble the

Resident in Mysore, Bangalore.

SIR,

Crl.R.C.1/39 on the file of the Additional Judge and two other cases - Hearing on 30-3-39 - Additional Public Prosecutor - Mr. Mohamed Haneef, B.A., B.L. Appointment of - Requested.

As Mr. Shankar Rao, the Public Prosecutor, is away at Madras in connection with the appeal in the Donation Union Link Case, I request that sanction of the Hon'ble the Resident may kindly be obtained to the appointment of Mr. Mohamed Haneef, B.A., B.L., Advocate as Additional Public Prosecutor to appear for the Crown in the court of the Additional Judge in the cases noted below. I recommend remuneration at Rs 35/- a day. In anticipation of sanction I have asked the advocate to appear to-day.

I have the honour to be,

Sir,

Your most obedient servant,

30/3/39

M. Krishnappa

For District Magistrate.

1. Crl R.C.1/39
   Jayaramachari Vs King Emperor
2. Crl Appeal No. 2/39
   K.D. Mahadevan Vs King Emperor
3. Crl Rev. Petition No. 1/39
   Re. Abdul Rawoof

DESPATCHED
30 MAR. 1939